

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIA MANCEBO and ANGELA HERRERA

Plaintiff

-against-

FIRST AMENDED
COMPLAINT
PLAINTIFFS DEMAND
TRIAL BY JURY

THE CITY OF NEW YORK, POLICE OFFICER AHMED,
POLICE OFFICER JOSEPH LaROSA Shield # 27859
& POLICE OFFICER ROBERT WHITE Shield # 30782 07 CV 5602

Defendants
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THIS ACTION IS ASSIGNED TO JUDGE RICHARD HOLWELL &
WAS FILED ELECTRONICALLY

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF

1. This is a civil action for damages brought pursuant to redress the deprivation by defendants of the rights secured to plaintiff under the Constitution and laws of the United States and State of New York. The pendant jurisdiction of the Court is also invoked to bring various state law causes of action. The defendants, without a warrant and without probable cause, falsely arrested, falsely imprisoned, maliciously prosecuted & violated the civil rights of the plaintiff.

2. That the jurisdiction of this Court is invoked under the provisions of Section 1331 & 1383 of Title 28 and Sections 1983 & 1988 of Title 42 of the United States Code . Plaintiff further invokes the pendant jurisdiction of this Court to consider claims arising under state law. The amount in controversy exceeds \$75,000.00 excluding costs and attorney's fees.

3. That at all times hereinafter mentioned the plaintiff JULIA MANCEBO was and still is a resident of the County of Kings, City & State of New York.

4. That at all times hereinafter mentioned the plaintiff ANGELA HERRERA was and still is a resident of the County of Kings, City & State of New York.

5. That the defendant THE CITY OF NEW YORK was and is a municipal corporation organized and existing under the laws of the City and State of New York.

6. That the defendant POLICE OFFICER AHMED was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

7. That the defendant POLICE OFFICER JOSEPH LAROSA Shield # 27859 was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

8. That the defendant POLICE OFFICER ROBERT WHITE Shield # 30782 was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

9. That on or about the 4th day of May, 2007 the plaintiff JULIA MANCEBO was lawfully present in the County of Kings, City & state of New York.

10. That while at the aforesaid time and place the plaintiff was unlawfully and without just cause, approached, accosted, assaulted arrested & incarcerated by the aforementioned officers of THE NEW YORK CITY POLICE DEPARTMENT who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions.

11. That the plaintiff JULIA MANCEBO was arrested & incarcerated for approximately twenty four hours under cc # 590399304 & arrested # k07640387.

12. That the Kings County District Attorney declined prosecution of this matter.

13. In the manner as aforesaid, each of the defendants, jointly & severally, acted maliciously, willfully and wantonly, and outside the scope of his jurisdiction, although under color of law, and violated the following rights of the plaintiff; to be free from unreasonable search & seizure, from warrantless search & seizure, from , summary punishment without trial & due process of law.

14. Defendants, its agents servants and employees, by their conduct herein alleged, intentionally, willfully and without justification, and under color of law did deprive the plaintiff of his rights, privileges and immunities secured to him by the Constitution and the laws of the United States, and by 42 U.S.C. Sections 1983 & 1988 and by the statutes and laws of the state of New York which are invoked under the pendant jurisdiction of this Court.

15. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of TWO MILLION DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF ANGELA HERRERA

16. This is a civil action for damages brought pursuant to redress the deprivation by defendants of the rights secured to plaintiff under the Constitution and laws of the United States and State of New York. The pendant jurisdiction of the Court is also invoked to bring various state law causes of action. The defendants, without a warrant and without probable cause, falsely arrested, falsely imprisoned, maliciously prosecuted & violated the civil rights of the plaintiff.

17. That the jurisdiction of this Court is invoked under the provisions of Section 1331 & 1383 of Title 28 and Sections 1983 & 1988 of Title 42 of the United States Code . Plaintiff further invokes the pendant jurisdiction of this Court to

consider claims arising under state law. The amount in controversy exceeds \$75,000.00 excluding costs and attorney's fees.

18. That at all times hereinafter mentioned the plaintiff ANGELA HERRERA was and still is a resident of the County of Kings, City & State of New York.

19. That the defendant THE CITY OF NEW YORK was and is a municipal corporation organized and existing under the laws of the City and State of New York.

20. That the defendant POLICE OFFICER AHMED was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

21. That the defendant POLICE OFFICER JOSEPH LAROSA Shield # 27859 was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

22. That the defendant POLICE OFFICER ROBERT WHITE Shield # 30782 was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

23. That on or about the 4th day of May, 2007 the plaintiff JULIA MANCERO was lawfully present in the County of Kings, City & state of New York.

24. That while at the aforesaid time and place the plaintiff was unlawfully and without just cause, approached, accosted, assaulted arrested & incarcerated by the aforementioned officers of THE NEW YORK CITY POLICE DEPARTMENT who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions.

25. That the plaintiff JULIA MANCERO was arrested & incarcerated for approximately twenty four hours under cc # 590399304 & arrested # k07640387.

26. That the Kings County District Attorney declined prosecution of this matter.

27. In the manner as aforesaid, each of the defendants, jointly & severally, acted maliciously, willfully and wantonly, and outside the scope of his jurisdiction, although under color of law, and violated the following rights of the plaintiff; to be free from unreasonable search & seizure, from warrantless search & seizure, from , summary punishment without trial & due process of law.

28. Defendants, its agents servants and employees, by their conduct herein alleged, intentionally, willfully and without justification, and under color of law did deprive the plaintiff of his rights, privileges and immunities secured to him by the Constitution and the laws of the United States, and by 42 U.S.C. Sections 1983 & 1988 and by the statutes and laws of the state of New York which are invoked under the pendant jurisdiction of this Court.

29. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of TWO MILLION DOLLARS

WHEREFORE, the plaintiffs respectfully pray to the court for judgment upon each cause of action as follows:

a. Compensatory damages in an amount which this Court shall consider to be just and fair:

b. Punitive and exemplary damages in an amount which this Court shall consider to be just & fair;

c. Attorney's fees in an amount which this Court shall consider just & fair;

d. Together with the costs and disbursements of this action and such other and further relief which this Court may seem just & proper.

DATED: BROOKLYN, NY
September 11, 2007.

MICHAEL COLIHAN (MC-0826)
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